IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Cr. Misc. NO.49476-M OF 2006

DATE OF DECISION: September 15, 2006.

Parties Name

Lachhman Singh

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH

PRESENT: Mr. K.S. Ahluwalia,
Advocate, for the petitioner.

Mr. P.S.Chhina, Addl. A.G., Punjab;

JASBIR SINGH, J. (oral)

ORDER:

FIR in this case is dated March 27, 2004. Earlier also, petitioner came to this Court to get benefit under Section 438 Cr.P.C. but application was got dismissed as withdrawn on July 6, 2004. It is not in dispute that thereafter, during investigation, the petitioner was found to be innocent and his name was put in column No. 2 of the final report, which was submitted, in Court, on July 26, 2004. Now he has been summoned by the trial Court by invoking the provisions of Section 319 Cr.P.C. Trial is stated to be pending on October 31, 2006. Petitioner's counsel states that he (petitioner) shall appear before the trial Court on or before the date, referred to above. Trial is going on and at this stage, Shri Chhina has failed to show as to why it is necessary to take the petitioner in custody. Nothing is to be recovered from him and he cannot be interrogated by the police officials.

In view of facts, mentioned above, this application is allowed and the petitioner is directed to put up appearance before the trial Court

within fifteen days from today and furnish bail bonds to its satisfaction. In the meantime, his arrest shall remain stayed.

September 15, 2006. (Jasbir Singh)
DKC Judge